

2007 DRAFTING REQUEST

Bill

Received: **11/20/2007**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email: **Sen.Lassa@legis.wisconsin.gov**

Carbon copy (CC:) to: **don.dyke@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Court records internet access

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	rnelson2 11/27/2007	wjackson 12/04/2007	jfrantze 12/04/2007	_____	sbasford 12/04/2007		S&L
/1	rnelson2 12/11/2007	wjackson 12/13/2007	jfrantze 12/14/2007	_____	mbarman 12/14/2007	cduerst 02/05/2008	

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*at intro
2/6*

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12/4

FE Sent For:

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Offenses covered: felonies, misdemeanors, or state or local civil offenses punishable by a civil forfeiture.

Removal of information from WCCA. Remove the following information from public accessibility via the WCCA: all information pertaining to an incident that may have involved an offense when: 1. when an individual is arrested or taken into custody but released and no charges are filed. 2. Criminal or civil charges are filed, but all charges relating to the same incident are subsequently dismissed before a verdict. 3. An individual is acquitted of all charges arising out of the same incident. 4 An individual is convicted but the conviction is subsequently overturned or the individual is pardoned by the governor.

Time frame for removal of information: for civil offenses and misdemeanors, require removal of information from public accessibility within three months after one of the above occurs; felonies require removal within six months after one of the above occurs.

DD:jb

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

11/20/07

Mtg w/ Don Dyck

Sen Lassa + Rep Vos

PI draft



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3501/P1

RPN:/:....

WLj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 ^(Gen) AN ACT ...; **relating to:** restricting access to the consolidated court automated
2 programs' Internet Web site.

Analysis by the Legislative Reference Bureau

Under current law, the director of state courts (director) has established a consolidated electronic system that contains information about cases filed in the circuit courts in the state, including both civil cases and criminal cases. This system, known as the Consolidated Court Automation Programs (CCAP), contains ~~a variety~~ ^{of} information about the parties to circuit court cases, their attorneys, documents filed with the court, and deadlines, decisions, and outcomes of cases. The information regarding case data contained on the CCAP system is available ^{on} in the court's Internet Web site called the Wisconsin Circuit Court Access (WCCA). ~~That~~ ^{The} Web site presently has no limitations on who can access information on the site, although information ^{about} in certain types of cases is not available to the public. ~~The~~ ^X WCCA Web site allows a person accessing it to search for all cases, civil and criminal, in which a person or entity who is the subject of the search has been a party.

Currently, the initial WCCA Web page displayed in each criminal case and in each traffic and other civil forfeiture case contains a statement that employers may not discriminate against persons because of arrest and conviction records except in certain circumstances. The initial WCCA Web page displayed in each criminal case and in each civil forfeiture case that did not result in a conviction also contains a statement that the charges were not proven, have no legal effect, and the defendant in that case is presumed innocent. The initial WCCA Web page displayed in each case in which there was a conviction for civil forfeiture offense, but no criminal

conviction, contains a statement that the charge or charges in the case are not criminal offenses.

This bill requires the director to remove a case or charge involving a civil forfeiture or misdemeanor from WCCA within 90 days after being notified that the case or charge has been dismissed, that the defendant has been found not guilty of all of the charges in the case, that the defendant has been pardoned of the crime, or that the case or charge has been overturned on appeal and dismissed. The bill also requires the director to remove a case involving a felony from WCCA within 120 days after being notified that the case or charge has been dismissed, that the defendant has been found not guilty of all of the charges in the case, that the defendant has been pardoned of the crime, or that the case or charge has been overturned on appeal and dismissed.

(STET)

misdemeanor

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 758.20 of the statutes is created to read:

758.20 Consolidated court automation programs. (1) In this section, "Wisconsin Circuit Court Access Internet Web site" means the Web site of the consolidated court automation program, which is the statewide electronic circuit court case management system established under s. 758.19 (4) and maintained by the director of state courts, that provides information regarding the cases heard in the circuit courts.

(2) Within 90 days after being notified of any of the following involving a civil forfeiture or misdemeanor, the director of state courts shall remove ~~that~~ ^{the} case or charge from the Wisconsin Circuit Court Access Internet Web site:

- (a) That the case or charge has been dismissed.
- (b) That the defendant has been found not guilty of all of the charges.
- (c) That the case or charge has been overturned on appeal and dismissed.
- (d) That the defendant has been pardoned of the misdemeanor.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3501/P1

RPN:wlj:jf

↑
stays

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2007 B. 20

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12 (b) That the defendant has been found not guilty of all of the charges.

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14 (d) That the defendant has been pardoned of the misdemeanor.

Duerst, Christina

From: Beilman-Dulin, Joanna
Sent: Tuesday, February 05, 2008 9:56 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-3501/1 Topic: Court records internet access

Please Jacket LRB 07-3501/1 for the SENATE.